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09/394,840	09/13/1999	VOLKER BAUM	P99.1620	4964

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,840

Applicant(s)

BAUM ET AL.

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 20 remain pending in this action as originally filed.

Response to Arguments

2. Applicant's arguments filed 9 August 2002 have been fully considered but are unpersuasive. Applicant argues that Le Carpentier fails to disclose any details as to what takes place at the data center and/or the local stations during the course of a communications procedure. Applicant further argues that Le Carpentier fails to teach the transmittal of a status report relating to memory occupancy. Examiner respectfully disagrees and directs Applicant to Le Carpentier Col. 2, ln 17 – 66.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier (US4,752,950A) in view of Liechti et al (US 5,715,950A).
5. Le Carpentier discloses a method of input of service data into a service device, said service data be available at a data center located remotely from said service device, comprising the steps of providing a memory for service data in a service device and forming in said service device, a status report of memory occupancy by said service data in said memory; establishing a communication between said service device and said data center and transmitting said status report from said service device to said data

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center; based on said status report and the service data available at said data center, forming recommendations in said data center for a future status of said memory occupancy in said service device; communicating a message from said data center to said service device containing said recommendations; upon receipt of said message at said service device, checking said recommendations in said service device for feasibility; and loading said service data available at said data center into said memory of said service device according to one of said recommendations (Col. 2, ln 17 – 66); wherein the step of providing a memory comprises providing said memory with at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein the step of establishing a communication comprises checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, establishing said communication with said data center; wherein the step of forming recommendations comprises recommending storage of said service data in at least one of said first memory areas, and wherein the step of checking said recommendations comprises conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas (Col. 2, ln 17 – 66); wherein said method further comprises forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in at least one of said first memory areas and transmitting said request data to said data center, and

forming an error message if said check indicates non-feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center (Col. 2, ln 17 – 66); wherein the step of loading said service data comprises, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and loading said service data, as said new service data, into said one of said first memory areas together with said conversion date and automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service data from said one of said first memory areas into said second memory area at said conversion date (Col. 2, ln 17 – 66); wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein the step of forming said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein the step of forming said recommendations at said data center comprises forming said recommendations in a sequence dependent on the table type and table description contained in said request data and wherein the step of conducting a check comprises checking said recommendations for feasibility in an order determined by said sequence and wherein the step of selecting one of said first memory areas comprises selecting one of said first memory areas recommended in a first of said recommendations in said sequence which is found to be feasible, and wherein the step

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of loading said service data comprises selectively loading, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and wherein the step of automatically updating said service device comprises periodically determining whether a current date precedes, equals or follows said conversion date and automatically updating said service device if said current date equals or follows said conversion date and continuing operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date (Col. 2, In 17 – 66);

wherein the step of providing a memory comprises providing a memory in said service device with a third memory area and wherein the step of loading said service data comprises loading said conversion date into said third memory area and wherein the step of automatically updating said service device comprises providing an electronic calendar module in said service device which continuously emits a signal identifying said current date, and periodically comparing said conversion date in said third memory area with said signal from said calendar module (Col. 2, In 17 – 66);

wherein the step of automatic updating comprises automatically requesting said current date from said calendar module (Col. 2, In 17 – 66);

comprising loading said conversion date into a separate memory area of said memory of said service device, separate from said first memory area. (Col. 2, In 17 – 66);

wherein said service data comprise postage fee schedule table data, and comprising the additional steps of providing a postage calculator in said service device which

calculates a franking value using said postage fee schedule table data (Col. 2, ln 17 – 66);

providing a further memory area in said memory of said service device (Col. 2, ln 17 – 66);

communicating from said data center to said service device information about new postage fee schedule table data available at said data center and making an entry in said further memory area dependent on said information (Col. 2, ln 17 – 66);;

generating a load code in said postage calculator and checking if and when said load code has a predetermined relationship to each entry in said further memory area (Col. 2, ln 17 – 66);;

switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists (Col. 2, ln 17 – 66);

wherein the step of communicating information comprises communicating information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list (Col. 2, ln 17 – 66); and

comprising listing a most meaningful proposal first in said list (Col. 2, ln 17 – 66).

6. Le Carpentier does not, however disclose the step wherein the loading said service data includes compressing said service data (Liechti Col. 5, ln 15-35). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teaching of Le Carpentier and Liechti in order to provide greater security and accuracy in the handling of postage meter data.

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7. Claims 11 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Carpentier (US4,752,950A) in view of Liechti et al (US 5,715,950A).

8. Le Carpentier discloses an arrangement for input of service data into a service device, said service data being available at a data center located remotely from said service device, comprising the steps of a services device having a memory for service data, a computer which forms a status report of memory occupancy by said service data in said memory; means for establishing a communication between said service device and said data center and for transmitting said status report from said service device to said data center; means for forming recommendations in said data center, based on said status report and the service data available at said data center, for a future status of said memory occupancy in said service device; means for communicating a message from said data center to said service device containing said recommendations; upon receipt of said message at said service device, said computer checking said recommendations in said service device for feasibility; said computer loading said service data available at said data center into said memory of said service device according to one of said recommendations; and means in said service device for triggering updating of said service data in said memory at a time separated from loading of said service data into said memory (Col. 2, ln 17 – 66). Le Carpentier further teaches a arrangement as claimed in claim 11, above, wherein said memory comprises at least one first memory area in which new service data which will be valid in the future, starting from a conversion date, are to be stored, and a second memory area in which currently valid service data are stored, and wherein said means for establishing a

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communication comprises means for checking, in said service device, as to whether a load instruction has been entered into said service device and, if so, for establishing said communication with said data center (Col. 2, ln 17 – 66);

wherein said means for forming recommendations comprises means for recommending storage of said service data in at least one of said first memory areas (Col. 2, ln 17 – 66);

wherein said computer checks said recommendations by conducting a check, in said service device, as to the feasibility of storing said service data in at least one of said first memory areas (Col. 2, ln 17 – 66);

said computer forming request data in said service device, requesting said service data, if said check indicates feasibility of storing said service data in

at least one of said first memory areas and transmitting said request data to said data center, and forming an error message if said check indicates non-

feasibility of storing said service data in any of said first memory areas and transmitting said error message to said data center (Col. 2, ln 17 – 66);

said computer, upon receipt of said request data at said data center, transmitting said service data from said data center to said service device and

loading said service data, as said new service data, into said one of said first memory areas together with said conversion date; and

said computer automatically updating said service device independently of and separated in time from loading said new service data, by transferring said new service

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data from said one of said first memory areas into said second memory area at said conversion date (Col. 2, ln 17 – 66).;

wherein said service data available at said data center comprise a plurality of data tables, each data table having a table type and a table description associated therewith, and wherein said computer forms said request data comprises forming request data including one of said table types and one of said table descriptions, and wherein said means for forming said recommendations at said data center forms said recommendations in a sequence dependent on the table type and table description contained in said request data and wherein said computer conducts said check by checking said recommendations for feasibility in an order determined by said sequence and selects one of said first memory areas which is recommended in a first of said recommendations in said sequence which is found to be feasible, and selectively loads, at a first point in time, at least the data table, and its associated conversion date, corresponding to the recommendation first found to be feasible in said check, and automatically updates said service device if a current date precedes, equals or follows said conversion date and automatically continues operation of said service device with the service data currently stored in said second memory area if said current date precedes said conversion date (Col. 2, ln 17 – 66);

wherein said memory has a third memory area and wherein said computer loads said conversion date into said third memory area, and said service device comprises an electronic calendar module which continuously emits a signal identifying said current

date, said computer periodically comparing said conversion date in said third memory area with said signal from said calendar module (Col. 2, ln 17 – 66).

9. Le Carpentier does not, however, disclose an arrangement as claimed in claim 11, above, wherein said service device comprises a calendar module which emits a signal identifying said current date, and wherein said computer automatically requests said current date from said calendar module (Liechti Col. 5, ln 15-35);

wherein said computer loads said conversion date into a separate memory area of said memory of said service device, separate from said first memory area (Liechti Col. 5, ln 15-35);

wherein said service data comprise postage fee schedule table data, and said arrangement comprising a postage calculator in said service device which calculates a franking value using said postage fee schedule table data; a further memory area in said memory of said device; means for communicating from said data center to said service device information about new postage fee schedule table data available at said data center and for making an entry in said further memory area dependent on said information; said postage calculator generating a load code and checking, and informing said computer, if and when said load code has a predetermined relationship to said entry in said further memory area; and said computer switching to a load mode and loading said new postage fee schedule table data into said one of said first memory areas if and when said predetermined relationship exists (Liechti Col. 5, ln 15-35);

wherein said means for information communicates information from said data center about said new postage fee schedule table data comprising a plurality of proposals in a list (Liechti Col. 5, ln 15-35);

wherein said means for communicating information lists a most meaningful proposal first in said list (Liechti Col. 5, ln 15-35);

comprising means compressing said service data (Liechti Col. 5, ln 15-35). Liechti, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teaching of Le Carpentier and Liechti in order to provide greater security and accuracy in the handling of postage meter data.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Markl et al (US 5,710,706A) discloses a method for entering data into a scale.

13. Windel et al (US 5,805,711A) discloses a method for improving the security of postage meter machines.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

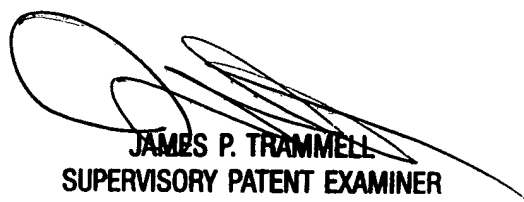
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

November 3, 2002

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